

STATE OF MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION

TENTATIVE DETERMINATION TO ISSUE PERMIT
General Discharge Permit for Stormwater Associated with Construction Activity

The Maryland Department of the Environment (MDE) has reached a tentative determination to modify the General Discharge Permit for Storm Water Discharges associated with Construction Activity, MDR10 (General Permit).

The permit is necessary to protect water quality and to meet federal and State requirements under Code of Federal Regulations 40 CFR Part 122.26 and 40 CFR Part 450, as well as Code of Maryland Regulations (COMAR) 26.08.04.09A. All construction activity in Maryland disturbing one or more acres must be covered under the General Permit. Permittees currently under the General Permit will be covered by the modified permit when it becomes final. The modified proposed permit includes significant changes from previous permits and should be reviewed carefully. Principally, the modification incorporates the Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category, 40 CFR Part 450. The U.S. Environmental Protection Agency has promulgated these regulations applicable to construction sites.

The proposed modified permit:

- Prohibits discharges that are prohibited by the federal Effluent Limitations Guidelines, including but not limited to wastewater from washout of concrete without controls and wastewater from cleanout of other construction materials.
- Requires all new construction projects authorized under the General Permit to implement the following controls meeting the federal Effluent Limitations Guidelines: Erosion and Sediment Controls, Soil Stabilization, Dewatering, Pollution Prevention Measures, and Surface Outlets.
- Effective August 2, 2011, requires all construction projects authorized under the general permit disturbing 20 or more acres of land at one time to comply with a daily average effluent limitation for turbidity of 280 Nephelometric turbidity units (NTU). Effective February 2, 2014, all construction projects authorized under the general permit disturbing ten or more acres of land at one time must comply with a daily average effluent limitation for turbidity of 280 Nephelometric turbidity units (NTU). In both cases, discharges that result from a storm larger than the local 2-year, 24-hour storm are exempt from the effluent limitation.

Fees for permit coverage are proposed to remain the same unless changed in the Code of Maryland Regulations (COMAR).

A public hearing on the tentative determination will be scheduled if a written request is received by **May 27, 2010**. The request should be sent to the **Maryland Department of the Environment, Water Management Administration, 1800 Washington Blvd., Suite 420, Baltimore, Maryland 21230-1708 Attn.: Ms. Karen Smith** and must include the name, address and telephone number (home and work) of the person making the request, the name of any other

party whom the person making the request may represent, and the name of the facility and permit number. Failure to request a hearing by **May 27, 2010**, will constitute a waiver of the right to a public hearing on the tentative determination. Written comments concerning the tentative determination will be considered in the preparation of a final determination if submitted to the Department, to the attention of Ms. Smith at the above address, on or before **June 7, 2010**. Any hearing-impaired person who requests a hearing may also request an interpreter at the hearing by contacting Ms. Smith at (410) 537-3401 or by written request to the above address at least ten working days prior to the scheduled hearing date.

The fact sheet for the tentative determination and a copy of the permit may be viewed on the Department website, www.mde.state.md.us. Persons may also review the supporting documentation by contacting Ms. Smith at the above telephone number to make an appointment or by written request to Ms. Smith at the above address. Copies of documents may be obtained at a cost of \$0.36 per page.